

REMARKS

The Final Office Action of November 14, 2006, and the Advisory Action of December 27, 2006, have been considered by the Applicants. Claims 1, 13, and 25 have been amended. Claims 2-7, 16, 31, 32, 35, and 40 have been cancelled. Claims 1, 8-15, 17-30, 33-34, and 36-39 remain pending. Reconsideration of the Application is requested.

Claims 1-40 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by, or in the alternative under 35 U.S.C. 103(a) as allegedly being obvious over Lin (U.S. Patent Publication No. 2003/0211413). Applicants traverse the rejection(s).

This application now contains three independent claims (1, 13, and 37). Each of these independent claims recites a weight ratio of photogenerating component / binder / charge transport / electron transport component. The ratio in claim 1 was present as dependent claim 35. Claim 13 has been rewritten into independent form. Claim 37 also contains a weight ratio. All of the claims and their recited weight ratios were previously before the Examiner and have had opportunity to be examined. Applicants therefore submit that no new search or reexamination is required.

In the Advisory Action, the Examiner did not enter the proposed amendments of December 11, 2006, merely stating that Applicants had dramatically changed the scope of the invention. In response, Applicants file this RCE.

Applicants submit that the cited weight ratios distinguish over Lin, who does not teach these weight ratios either implicitly or explicitly. In particular, Examples I and II of Lin recite a weight ratio of 2:48:30:20, which is far outside the bounds of the recited weight ratios. Therefore, Lin does not anticipate.

Lin is available under 102(e) only. Therefore, Applicants take advantage of § 103(c) to disqualify Lin as a reference under § 103(a).

Application 10/807,073 and Lin 2003/0211413 were, at the time the invention of 10/807,073 was made, owned by or subject to an obligation of assignment to, Xerox Corporation.

For these reasons, Applicants request withdrawal of the 102/103 rejection based on Lin.

Claims 1-40 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over Lin (U.S. Patent Publication No. 2003/0211413) in view of Spiewak (U.S. Patent No. 5,336,577). Applicants traverse the rejection. Lin does not qualify as a reference under § 103(a). Therefore, this rejection cannot stand. Applicants request withdrawal of the § 103(a) rejection based on Lin and Spiewak.

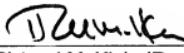
CONCLUSION

For these reasons, the pending claims (1, 8-15, 17-30, 33-34, and 36-39) are in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Richard M. Klein, at telephone number 216-861-5582, Cleveland, OH.

It is believed that no fee is due in conjunction with this response. If, however, it is determined that fees are due, authorization is hereby given for deduction of those fees, other than the issue fees, from Deposit Account No. 24-0037.

Respectfully submitted,
FAY SHARPE LLP


Richard M. Klein (Reg. No. 33,000)
1100 Superior Avenue, 7th Floor
Cleveland, OH 44114-2579
(216) 861-5582